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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,640	10/30/2001	Dana Eagles	93007-2002	4069

20999 7590 07/09/2003
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/09/2003

DOCKETED

Please find below and/or attached an Office communication concerning this application or proceeding.

2003 JUL 12 P 1:05
FROMMER, LAWRENCE
& HAUG, LLP

Office Action Summary

Application No.

10/016,640

Applicant(s)

EAGLES, DANA

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,8. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-11 in Paper No. 7 is acknowledged. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for filling and emptying (claim 1) and the length of the segment being equal to the circumference (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Claim 1 recites the limitation "said first and second segments" in lines 14-15.

There is insufficient antecedent basis for this limitation in the claim. A first segment has not been positively recited.

6. Claim 4 recites the limitation "said clamping means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 5-8 recite "the segment" and claim 9 recites "said segment". There is insufficient antecedent basis for these limitations in the claims. It is unclear which segment is being referred to.

8. The claims not specifically mentioned above depend from a rejected claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Reimers (US 6,550,410). Reimers shows a fluid containment vessel. The vessel comprises an elongate flexible tubular structure with a circumference and first and second ends (figures 1A and 1B and abstract). The tubular structure comprises three fabric segments (112, 113, 114) that have a width that is smaller than the width of the tubular structure (figures 1A and 1B). Reimers discloses that the fabric can be rendered

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impervious by internal and external coating. Reimers discloses that the first and second ends are sealed. Reimers discloses a fluid filling and emptying conduit. Reimers discloses means for joining the segments together. The means for joining comprises folded sections along the edge of each segment. The folded sections are aligned with a sealing profile (600) therebetween. The folded sections are secured by string (220).

11. Regarding claim 9 the length of the each segment is equal to the circumference of the tube. Regarding claim 10, the means for securing includes stitching with string (220). Regarding claim 11, string is encompassed in the broad scope of the term rope as used in the claims and understood from the specification.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimers (US 6,550,410) in view of Kassinger et al. (US 5,203,272) and Soper (US 2,065,480). Regarding claims 2-4, Reimers does not show that the folded sections are c-shaped. As shown by Kassinger, the prior art of clamp joints encompasses numerous configurations including an internal bar (50), similar to that shown by Reimers, and male-female pressing members (figure 7b). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Reimers by using a male-female pressing members instead of a round bar. The

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motivation would be to optimize design parameters such as cost and weight by using known clamping means. Soper shows a clamp joint in figure 5 that comprises male and female pressing members, and does not use a round bar. The clamp joint comprises c-shaped edge portions of the material to be clamped together, an I-shaped insert between the edge portions that receives the edge portions, and a U-shaped clamp that maintains the c-shaped portions together and the I-shaped portion therebetween. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Reimers by using the clamp joint shown by Soper. The different clamp joint configurations shown by Reimers, Kassinger, and Soper are functionally equivalent in that they provide a watertight seal. The choice to use one over another would constitute a choice made with the motivation of optimizing parameters such as cost, weight, availability.

14. Regarding claim 5, the c-shaped portions are formed at the edge of the respective segment. Regarding claim 6, the c-shaped portions are fixedly secured to the edge in the sense that they are integrally formed with the edge.

Allowable Subject Matter

15. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a flexible fluid containment vessel with,

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inter alia, c-shaped upright members maintained within an overlap formed from the edge of a fabric segment.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moreland (US 4,641,400) and Double et al. (US 6,474,022) both show clamp joints for fabric segments. US 1,723,307 (cited by applicant) and GB 1,079,766 (cited by applicant) both show various shapes and configurations for clamp joints.

18. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9326 for before final proceedings and 703-872-9327 for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
Art Unit 3617

AW 6/25/07

S. JOSEPH MORANO
SUPERVISORY PATENT EX
TECHNOLOGY CENTER

Notice of References Cited

Application/Control No.

10/016,640

Applicant(s)/Patent Under
Reexamination
EAGLES, DANA

Examiner

Andrew Wright

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,641,400	02-1987	Moreland, Jack	24/389
	B	US-6,474,022	11-2002	Double et al.	52/3
	C	US-6,550,410	04-2003	Reimers	114/256
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	O					
	P					
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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Based on Form PTO-1449
(3/90)

ATTY. DOCKET NO.

930007-2002

SERIAL NO.

10/016,640

APPLICANT

Dana Eagles

FILING DATE

October 30, 2001

GROUP

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>h</i>	AA	34,426	02/18/1862	G.W. Howard	—	—	
	AB	389,615	09/18/1888	T.F. Townsend	—	—	
	AC	1,723,307	08/06/1929	H.E. Sipe	—	—	
	AD	1,921,015	08/08/1933	J.M. Young	—	—	
	AE	2,065,480	12/22/1936	C.C. Soper	—	—	
	AF	2,371,404	03/13/1945	I.R.J. Mumford	—	—	
	AG	2,391,926	01/01/1946	W.E. Scott	—	—	
	AH	2,492,699	12/27/1949	R. Houwink	—	—	
	AI	2,685,964	08/10/1954	R.W. Brown	—	—	
	AJ	2,724,358	11/22/1955	L.B. Harris et al.	—	—	
	AK	2,725,027	11/29/1955	C.W. Brandon et al.	—	—	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
<i>h</i>	AL	EP 0 134 706 A	03/20/1985	Europe	—	—		
	AM	EP 0 710 736 A1	11/02/1994	Europe	—	—		
	AN	EP 0 862 870 A	09/09/1998	Europe	—	—		
	AO	EP 0 832 032 B1	04/14/1999	Europe	—	—		
	AP	GB 824 984 A	12/09/1959	Great Britain	—	—		

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>h</i>	AQ	McGraw-Hill Encyclopedia of Science and Technology, 6 th Edition, 1987, McGraw-Hill Book Company, New York XP00220369918, pages 247-248 Paragraph 4; figures 6-8
	AR	"3-D Braided Composites - Design and Applications" by D. Brookstein, 6 th European Conference on Composite Materials, September 1993, pp. 225-230.
	AS	Pages from web site of Bradley Textiles, Inc.
	AT	International Search Report issued by European Patent Office on July 9, 2002 for PCT/US02/10694 filed April 5, 2002.
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6/24/03

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LIST OF REFERENCES CITED BY APPLICANT

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Az	AA	2,794,192	06/04/1957	T. Paris	—	—	
	AB	2,854,049	09/30/1958	S.S. Wylie	—	—	
	AC	2,968,272	01/17/1961	U.E.A. Berghund	—	—	
	AD	2,979,008	04/11/1961	W. Whipple	—	—	
	AE	2,997,973	08/29/1961	W.R. Hawthorne et al.	—	—	
	AF	2,998,793	09/05/1961	W.R. Hawthorne et al.	—	—	
	AG	3,001,501	09/26/1961	W.R. Hawthorne et al.	—	—	
	AH	3,018,748	01/30/1962	L. Denis et al.	—	—	
	AI	3,056,373	10/02/1962	W.R. Hawthorne et al.	—	—	
	AJ	3,067,712	12/11/1962	E.H. Koerpinghaus	—	—	
	AK	3,150,627	09/29/1964	R.M. Stewart et al.	—	—	

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
Az	AL	GB 826 301 A	12/31/1959	Great Britain	—	—		
	AM	GB 933 889 A	08/14/1963	Great Britain	—	—		
	AN	DE 198 21 465 A	11/18/1999	Germany	—	—		X
	AO	JP 60 219243 A	11/01/1985	Japan	—	—		X
	AP	WO 97/49541	12/31/1997	WIPO	—	—		

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<i>h</i>	AA	3,167,103	01/26/1965	W.R. Hawthorne et al.	—	—	
	AB	3,224,403	12/21/1965	A.L. Paddington	—	—	
	AC	3,282,361	11/01/1966	H.A. Mackie	—	—	
	AD	3,289,721	12/06/1966	Benson	—	—	
	AE	3,296,994	01/10/1967	J.F. Schirtzinger	—	—	
	AF	3,502,046	03/24/1970	H.J. Stauber	—	—	
	AG	3,622,437	11/23/1971	Hobaica et al.	—	—	
	AH	3,661,693	05/09/1972	Pierson	—	—	
	AI	3,672,319	06/27/1972	Platzer	—	—	
	AJ	3,739,410	06/19/1973	Fortin	—	—	
	AK	3,774,563	11/27/1973	Anderson, Sr. et al.	—	—	

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							YES	NO
<i>h</i>	AL	WO 98/01359 A	01/15/1998	WIPO	—	—		
<i>h</i>	AM	WO 97/14622 A	04/27/1997	WIPO	—	—		
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<i>Hz</i>	AA	3,779,196	12/18/1973	Knaus et al.	-	-	
	AB	3,797,445	03/19/1974	Zeimer	-	-	
	AC	3,812,805	05/28/1974	Forssell et al.	-	-	
	AD	3,839,977	10/08/1974	Bradberry	-	-	
	AE	3,952,679	04/27/1976	Grihangne	-	-	
	AF	3,955,524	05/11/1976	Renoux	-	-	
	AG	3,974,789	08/17/1976	DeGroot	-	-	
	AH	4,108,101	08/22/1978	Schirtzinger	-	-	
	AI	4,227,474	10/14/1980	Ullrich	-	-	
	AJ	4,227,477	10/14/1980	Preus	-	-	
	AK	4,227,478	10/14/1980	Preus	-	-	

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<i>h</i>	AA	4,230,061	10/28/1980	Roberts	—	—	
	AB	4,373,462	02/15/1983	Fish	—	—	
	AC	4,399,765	08/23/1983	Alkner et al.	—	—	
	AD	4,506,623	03/26/1985	Roper et al.	—	—	
	AE	4,509,558	04/09/1985	Slater	—	—	
	AF	4,510,201	04/09/1985	Takeuchi et al.	—	—	
	AG	4,582,756	04/15/1986	Niinuma et al.	—	—	
	AH	4,726,986	02/23/1988	Cannady, Jr. et al.	—	—	
	AI	4,933,231	06/12/1990	Seber	—	—	
	AJ	4,998,498	03/12/1991	Gallichan	—	—	
<i>✓</i>	AK	5,082,726	01/21/1992	Bastiaens et al.	—	—	

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<i>AE</i>	AA	5,194,459	03/16/1993	Sato et al.	—	—	
<i>I</i>	AB	5,203,272	04/20/1993	Kassinger et al.	—	—	
	AC	5,235,928	08/17/1993	Shank, Jr.	—	—	
	AD	5,243,925	09/14/1993	Fortenberry	—	—	
	AE	5,262,230	11/16/1993	Becker et al.	—	—	
	AF	5,355,819	10/18/1994	Hsia et al.	—	—	
	AG	5,360,656	11/01/1994	Rexfelt et al.	—	—	
	AH	5,391,424	02/21/1995	Kolzer	—	—	
	AI	5,413,065	05/09/1995	Spragg et al.	—	—	
	AJ	5,421,128	06/06/1995	Sharpless et al.	—	—	
<i>✓</i>	AK	5,431,970	07/11/1995	Broun et al.	—	—	

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>Ar</i>	AA	5,482,763	01/09/1996	Shaffer	—	—	
	AB	5,488,921	02/06/1996	Spragg	—	—	
	AC	5,503,291	04/02/1996	Craig	—	—	
	AD	5,505,557	04/09/1996	Bradley	—	—	
	AE	5,544,612	08/13/1996	Eymard	—	—	
	AF	5,657,714	08/19/1997	Hsia et al.	—	—	
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	AH	5,713,399	02/03/1998	Collette et al.	—	—	
	AI	5,735,083	04/07/1998	Brown et al.	—	—	
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							YES	NO
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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<i>h</i>	AA	5,865,045	02/02/1999	Wagner et al.	—	—	
	AB	5,902,070	05/11/1999	Bradley	—	—	
	AC	5,921,421	07/13/1999	Fuquan	—	—	
	AD	5,951,345	09/14/1999	Perratore et al.	—	—	
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	AF	6,047,655	04/11/2000	Cran	—	—	
	AG	6,056,438	05/02/2000	Bradley	—	—	
	AH	6,086,968	07/11/2000	Horovitz	—	—	
	AI	6,101,964	08/15/2000	Lesesne	—	—	
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	AL	GB 1,117,552	06/19/1968	Great Britain	-	-		
	AM	GB 1,117,553	06/19/1968	Great Britain	-	-		
	AN	FR 2,595,621	09/18/1987	France	-	-		x
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	AQ		International Search Report issued by European Patent Office for corresponding international application PCT/US02/10586 mailed 09/26/2002
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<i>Ar</i>	AA	3,762,108	10/02/1973	R. Pierson	—	—	
	AB	4,662,386	12/18/1973	Kristen I. Pedersen	—	—	
	AC	4,910,817	03/27/1990	Kita Tetsuo	—	—	
	AD	4,948,658	08/14/1990	Helmut Haelker	—	—	
	AE	5,238,537	08/24/1993	William H. Dutt	—	—	
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	AM	FR 2 325 837	4/22/1977	France	—	—		
	AN	GB 1 079 766	8/16/1967	Great Britain	—	—		
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	AP	WO 01 63033	08/30/2001	WIPO	—	—		

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<i>Ar</i>	AQ	International Search Report issued by the European Patent Office on February 06, 2003 for PCT/US02/34299
	AR	International Search Report issued by the European Patent Office on February 10, 2003 for PCT/US02/34052
	AS	International Search Report issued by the European Patent Office on March 12, 2003 for PCT/US02/34004
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